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Letter dated 4 February 2016 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to submit hereby the communiqué and the memorandum of the Government of Burundi regarding the twenty-sixth summit of the African Union (see annexes I and II), held in Addis Ababa, on 30 and 31 January 2016, for circulation as a document of the Security Council.

(*Signed*) Albert **Shingiro**
Ambassador
Permanent Representative of Burundi to the United Nations

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Annex I to the letter dated 4 February 2016 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

[Original: French]

Communiqué of the Government of Burundi following the summit of Heads of State and Government of the African Union

On 30 and 31 January 2016, a summit of Heads of State and Government of the African Union was held in Addis Ababa. One of the issues on the agenda was the need to approve or reject the unilateral decision taken by the Peace and Security Council of the African Union to propose the deployment to Burundi of a 5,000-strong military force known as the African Prevention and Protection Mission in Burundi (MAPROBU).

The Government of Burundi welcomes the wise decision taken at the African Union summit of Heads of State and Government not to deploy troops without the request or consent of the Burundian people, who considered such deployment to be inappropriate, especially since the Burundian defence and security forces ensure the security of the entire country and the whole population, even beyond the borders of Burundi at the request of the international community.

The Government of Burundi further welcomes the decision taken by the African Union to send a high-level mission to Burundi. The Government of Burundi had in fact many times requested such a mission since the only way to understand the political and security situation in Burundi is to have visited the country and its people. That is what the Peace and Security Council of the African Union should have done before inappropriately deciding, based on incorrect and manipulated reports, to deploy MAPROBU, a force that could not know where to deploy its troops or, more particularly, among which warring parties, since there are none.

With regard to these manipulated reports, the Government denounces and condemns the persistent views of those who remain determined to see these foreign forces deployed in Burundi and do not hesitate to resort to dishonest tactics such as the issuance of falsely damning reports, going as far as to produce and disseminate doctored images with the aim of influencing the decisions of international bodies at the highest level.

The most striking case is the recent publication by the non-governmental organization Amnesty International — just two days before the summit of Heads of State and Government in Addis Ababa at which leaders were to decide whether or not to deploy MAPROBU forces to Burundi — of photos that, according to the organization, had been taken by a spy satellite and constituted evidence of probable mass graves in Burundi.

Amnesty International has merely followed other similar initiatives. It will be recalled in that regard that, on the eve of the expected arrival of a United Nations Security Council delegation sent to Burundi on 22 January 2016 to assess the security situation and also the need to deploy MAPROBU, the television channel France 3 broadcast extremely violent and gruesome clips from a video sent to it by Bernard Maingain, a Belgian lawyer who defends the cause of the radical opposition and, in particular, the leaders of the attempted coup of 13 May 2015. The video

concerned alleged crimes committed in Burundi, specifically in Karuzi, in the centre of the country, that were attributed to the Burundian security forces and members of the youth wing of the ruling party, known as Imbonerakure. The video was broadcast with the aim of disrupting the visit of the United Nations Security Council delegation and negatively influencing its outcome, though fortunately it did not succeed in that aim.

The Government of the Republic of Burundi would like to remind Burundians and the international community that it is not the first time that Amnesty International has issued negative reports on Burundi. For example, after terrorists from the eastern part of the Democratic Republic of the Congo attacked Cibitoke in western Burundi at the end of 2014, the organization did not hesitate to bring out a false report that accused the forces of law and order and the victims of the attack, while saying nothing about the aggressors and still less condemning them. It should be recalled that the attack was intended to disrupt the May 2015 elections, preparations for which were well under way.

The Government of the Republic of Burundi condemns this new attempt by Amnesty International to tarnish once again the country's image, and finds that the dissemination of these alleged satellite images showing disturbed earth and sand, in essentially agricultural regions, does not provide any material evidence of the existence of mass graves in Burundi. The choice of the date for their publication clearly shows that the organization wished to stir up the emotions of the Heads of State and influence their decision.

If Amnesty International was sincerely working for human rights, as it claims, and if it really wanted to help the cause of peace in Burundi, it should focus the spotlight on and point its spy satellite cameras towards the camps in neighbouring Rwanda for the recruitment and training of Burundian refugees, including child soldiers, which anywhere else would constitute a crime against humanity.

The Government of Burundi again welcomes the wisdom and pragmatism with which the Heads of State have faced all these attempts at manipulation by giving priority to the interests of a sovereign member State and its people. The African Heads of State have clearly understood that, after Burundi, other African States will doubtless be targeted for destabilization.

Furthermore, the Government of Burundi welcomes the fact that the Heads of State at the summit recommended the continuation of the inter-Burundian dialogue already launched under the auspices of the Ugandan President Mr. Yoweri Kaguta Museveni. In that regard, the Government wishes to recall that it has always given priority to the dialogue and is merely awaiting the arrival in Burundi of a Ugandan delegation in order to discuss practical means for continuing the dialogue with a view to reaching constructive conclusions.

The Government reaffirms its strong commitment to protecting all Burundian and foreign citizens living in its territory, in full respect for human rights and human dignity, and to cooperating with all its partners, including the African Union, to find a solution that addresses the problems faced by Burundi, while respecting its sovereignty.

To conclude, the Government wishes to reassure the national and international community once again that there will be no genocide in Burundi and that the Burundian people will oppose by every means all those who seek to impose genocide in any manner whatsoever as a pretext to install a government that does not reflect the democratic will of the people.

Bujumbura, 1 February 2016

(*Signed*) Philippe **Nzobonariba**
Secretary-General and Spokesman of the Government

Annex II to the letter dated 4 February 2016 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

[Original: French]

Memorandum of the Government of Burundi on the eve of the African Union summit to be held on 30 and 31 January 2016

Violent demonstrations have recently taken place in Burundi. Contrary to the prevailing view, this violence was not sparked by the nomination of the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) candidate for the 2015 presidential election. The stark reality is that those demonstrations began well before the nomination of the CNDD-FDD candidate, which had been judged in advance by some groups within and outside the country to be against the Constitution of the Republic of Burundi and the Arusha Peace and Reconciliation Agreement for Burundi.

The Government of Burundi did not take lightly the concerns expressed both by Burundians and by our partners, particularly in relation to peace and security, and the calls to ensure respect for the Constitution, the Arusha Peace and Reconciliation Agreement for Burundi and the Global Ceasefire Agreement in order to conduct free, fair, inclusive and peaceful elections.

It is well known that the Constitution of the Republic of Burundi derives from the Arusha Peace and Reconciliation Agreement for Burundi signed on 28 August 2000, and the Global Ceasefire Agreement signed on 16 November 2003. It also draws inspiration from the Charter of National Unity celebrated each year on 5 February. The Government of Burundi is strongly and fully committed to that Constitution.

Persistent confusion about articles 96 and 302 of the Constitution gave rise to heated debate, contradictory interpretations and even speculation, leading some actors to state that the 2015 general elections in Burundi should be postponed.

The Arusha Peace and Reconciliation Agreement for Burundi, which was signed by 17 political parties and the Government, includes reservations formulated by 10 signatories. It is stated that these reservations form an integral part of the Arusha Agreement, especially with respect to the manner of electing the President of the Republic and the transition period.

The Governments formed after the general elections of 2005 and 2010 demonstrated a strong will, commitment and determination to implement the spirit and letter of the Arusha Agreement. It should be stressed that the Arusha Agreement was significantly improved by the Global Ceasefire Agreement signed in 2003 between the Transitional Government and CNDD-FDD, at that time a combatant movement.

The Government firmly believes that elections are the only way to acknowledge, take note of and, above all, respect the people's verdict. The international community, which was deeply involved in the negotiations that enabled the Burundian people to regain peace and restore democracy, must support the will of the people by supporting the elected Government.

It is very important for the international community and local and international partners to understand and acknowledge that the Constitutional Court is the only body empowered to rule on questions relating to the interpretation of the Constitution, which the Burundian people have placed above other laws and agreements.

The Court delivered a judgement declaring that the renewal of the current presidential term through direct universal suffrage was not against the Burundian Constitution of 18 March 2005. As the Constitutional Court's decision cannot be appealed, we have an obligation to take note of the decision in its entirety, and the Burundian Government is committed to respecting it.

It should be recalled that, each time since its independence that Burundi has prepared for elections, it has been faced with rumours and lies urging the population to flee an imminent crisis.

These rumours have always proven to be baseless and unjustified, since no crisis has subsequently arisen. That was the case in 1993, before the elections, and in 2005 and 2010, again before the elections. The same rumours spread like wildfire, and all honest citizens of Burundi know the result.

It should also be underscored that more than a million people fled to Tanzania in 1993 when civil war broke out following the assassination of Melchior Ndadaye, the first democratically elected President.

The Government wishes to recall that the National Independent Electoral Commission received eight presidential bids. Could anyone stand as a candidate without believing in the election?

Paradoxically, some of those who submitted bids were the first to urge people to engage in insurrection. They were supported by certain pseudo-political parties which have no popular support but which pass themselves off as being clever enough to force a transition, in order to reap what they have not sown.

We therefore ask: "Who should be blamed for what is happening in Burundi?" The answer is simple: certain opposition politicians who have always had next to no electoral base, and whose only tools are the private media they control, falsely criticizing the Government from studios in Bujumbura, without making any effort to obtain support at the grassroots level. They only re-emerge when the next election is looming.

They would do well to learn that preparation for elections does not begin once a new election process is under way, but immediately after the previous cycle has ended.

Contrary to the situation portrayed in the media, the social environment in Burundi has been eminently conducive to elections. The security situation in Burundi is strong overall, as 99 per cent of the country is peaceful; of the 3,002 smaller administrative entities known as "districts" or "collines", only some of the inhabitants of the five districts of Bujumbura, the capital, have taken to the streets.

Insurgent activity has been primarily reported in the capital city of Bujumbura, but statistics show that, even there, less than 5 per cent of the city has been affected.

There are promising signs that a definitive end to the violence is within sight. All people want is to be helped to improve their standard of living. The population,

particularly children, cannot continue to be used as human shields in acts of violence. Students at the primary, secondary and post-secondary levels have all returned to school after realizing that their place is not in the streets.

The Government has repeatedly requested political party leaders to appeal to their voters to comply with law and order and participate in large numbers at all stages of the electoral process. For the Burundian people, elections are the only sustainable solution for the current situation. This central achievement of democracy must be conscientiously upheld.

The Government has made every effort to ensure a free, fair and peaceful electoral process. It wishes once again to bring to the attention of the national and international community that the elections were transparent, peaceful and inclusive.

The Government once again urges the international community, the United Nations, the European Union, the African Union, the East African Community, the International Conference on the Great Lakes Region, the Economic Community of the Great Lakes Countries and all regional groupings to support us in this endeavour. We must respect the will of the people as expressed at the polls.

There are 46 accredited political parties in Burundi, although only 12 of them, several as part of coalitions, took part in the August 2015 elections, together with a number of independent candidates. This is further proof of the inclusiveness and broad participation characterizing the 2015 elections. Such has long characterized the electoral process. There are many political parties, but only a few participate in elections. It is nevertheless those that have no popular support or political presence on the ground that are particularly obstreperous and spread lies.

After their anti-democratic tactic of withdrawing from the 2010 electoral process, the opposition parties have repeatedly compromised the country's security through the use of violence and terrorism. Various CNDD-FDD offices have been burned throughout the country and grenades have been thrown in public places, in most cases targeting members of the ruling party.

Furthermore, some of the opposition leaders mentioned above and their members have been cited in various reports of United Nations experts as belonging to regional negative forces, particularly in the eastern part of the Democratic Republic of the Congo.

The Government wishes to recall some of the reprehensible tactics deployed by the opposition before, during and after the elections:

Through various letters and interviews with the media, some political actors and leaders of opposition political parties have demonstrated since 2013 that they were not preparing for the 2015 elections.

During the voter registration process, a number of opposition leaders blew hot and cold, urging their supporters to refrain from registering to vote, only to insist vehemently, once they realized that the electoral process was proceeding smoothly, that the registration period be extended to allow their supporters to register.

When the Government of Burundi proposed the adoption of a biometric identification card in 2012, the opposition rejected the idea, describing it as a tool in an unprecedented rigging conspiracy planned for the following electoral cycle.

Surprisingly, just days before the elections, the same opposition parties insistently called for the adoption of the biometric identification card!

Several attempts were made to explain that the country could not conduct elections with the biometric identification card and that the regular card should be used as before. Indeed, the same card had been used in the 1993, 2005 and 2010 elections. What was driving Burundian politicians to impose a technological solution that was not a feasible option for the Burundian Government at that time?

Simply put, some of these parties did not want the elections to take place. After seeking the opinion of the United Nations Development Programme and information technology experts, these politicians and civil society activists came to their senses.

As if that were not enough, some politicians and members of civil society claimed that false identification cards had been used during voter registration, although they failed to provide proof supporting these allegations.

The Government also wishes to recall that, during the establishment of the Electoral Commission and its branches, opposition parties instructed their members to withdraw, in a desperate attempt to disrupt the electoral process. When they realized that they had failed, they called for the outright dismissal or resignation of the Electoral Commission, but failed once again.

They even attempted another plot to derail the electoral process by claiming that the indelible ink used in the elections could promote cheating, as it was erasable, could allow voters to cast two ballots, and so on. However, the same indelible ink had been used in 1993, 2005 and 2010 and the ink used in 2015 was of even better quality.

Lastly, the nomination by CNDD-FDD of Pierre Nkurunziza as a candidate for the 2015 presidential election provided yet another pretext. Some opposition parties and members of civil society launched what began as ostensibly peaceful protests but quickly deteriorated into violent insurrection.

The Government deplores the fact that these actions were carried out with the tacit approval or support of some countries in order to thwart the Government's efforts to restore stability and keep the electoral process on track, elections being the only democratic means of attaining power, as stated in the Constitution of the Republic of Burundi and the Arusha Peace and Reconciliation Agreement for Burundi.

The Government welcomes the support provided by the region for the electoral process through the various initiatives and meetings organized, namely, by the East African Community, the International Conference on the Great Lakes Region, and the Economic Community of Central African States, which deployed observers throughout much of the country.

The judgement of the Constitutional Court of Burundi confirming the legality of the nomination of President Pierre Nkurunziza was insufficient to halt the insurrection launched by the radical opposition and some members of civil society. All members of the opposition came up with their own interpretations of the Constitution on the spot.

Until then, the hidden intention behind the insurrection, namely, to overthrow institutions in an attempted coup, had not been known. The coup was part of a longstanding plan developed by the same actors in collaboration with certain civil society organizations and some deviant army and police officers. It was staged on 13 May 2015.

After the unsuccessful coup d'état, some leaders were arrested and brought to justice, while others fled to neighbouring countries, particularly Rwanda. Rwanda continues to host them and facilitate their campaigns to destabilize Burundi.

Destabilization efforts have included infiltration from Rwandan territory.

Infiltration by armed men continues to be observed, and military equipment has been recovered or intercepted in the country's northern provinces. Recruitment and training of young people in Burundian refugee camps on Rwandan soil has been conducted openly.

The Government strongly condemns the acts of aggression and destabilization that Rwanda has committed against Burundi in allowing the perpetrators of the failed coup d'état of 13 May 2015 to become organized and recruit and arm young people in Burundian refugee camps in Rwanda and, worse yet, in facilitating the attack launched on 10 July 2015 on Burundian territory.

On 11 December 2015, simultaneous attacks were launched on three military camps in the capital with the aim of seizing arms and ammunition. It was broadly apparent that this was just a suicide mission, albeit with a political agenda.

Following these suicide terrorist attacks masterminded by the planners of the insurrection, the Peace and Security Council of the African Union decided, at its 565th meeting on 18 December 2015, to deploy a force of 5,000 troops to Burundi in what it called the African Prevention and Protection Mission in Burundi (MAPROBU) (communiqué PSC/PR/COMM.(DLXV)).

Although there is no doubt as to the noble ideas contained in the decision of the Peace and Security Council, we cannot disregard the deceitful claims used to justify what we believe to be a serious accusation, including the use of the term "genocide" in reference to a country where social cohesion has been a reality since 2004 as a result of the implementation without incident of the Arusha Agreement and the Global Ceasefire Agreement.

Strangely, our Government was not involved in this project, even though Burundi was Chair of the Peace and Security Council in December 2015. The members of the Peace and Security Council had nonetheless emphasized the critical need for consultations, as no force can be deployed without the consent of member States. Our country is one of those States.

The Burundian population has not welcomed the decision of the Peace and Security Council. The two chambers of Parliament, consisting of deputies and senators (representing the Hutu, Tutsi and Twa) in the spirit of the Arusha Agreement and the Constitution, shared this view, underscoring that there was neither genocide, commission of crimes against humanity nor ethnic conflict in Burundi, and that no references to such violations could be found in any official reports.

Our position cannot therefore be contrary to that expressed by our people, its representatives and our Constitution. In this we ask for your understanding and support.

However, it would greatly advance the aim of peace if the Peace and Security Council could ensure an end to the illegal and violent activities carried out on Rwandan territory against Burundi.

The tactics that we are condemning here are not only at odds with the Charter of the United Nations but also violate the Constitutive Act of the African Union, specifically article 4 (r) of the Protocol on Amendments to the Constitutive Act of the African Union. The latter clearly prohibits "any Member State from allowing the use of its territory as a base for subversion against another Member State".

The Government of Burundi continues to implement its programme to disarm the population and considerable progress has been achieved in this regard. It requests the African Union to favour a dialogue-based approach and defer the decision to deploy MAPROBU troops against the people's wishes.

The Government once again reassures the international community that it remains committed to the values and principles of contributing to the maintenance of international peace and security and advancing the ideals of national unity, human rights, democracy and national sovereignty to achieve its goal of one nation with one united and prosperous people.